

ESTTA Tracking number: **ESTTA446889**Filing date: **12/16/2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	IDology, Inc.		
Entity	Corporation	Citizenship	Georgia
Address	280 Interstate North Circle SE Suite 610 Atlanta, GA 30339 UNITED STATES		

Attorney information	Scott Creasman Taylor English Duma LLP 1600 Parkwood Circle Ste 400 Atlanta, GA 30339 UNITED STATES screasman@taylorenghish.com Phone:770.434.6868
----------------------	---

Registration Subject to Cancellation

Registration No	3745504	Registration date	02/02/2010
Registrant	Palmer, Andrew P. Post Office Box 42 360 Prospect Street Norwell, MA 02061 UNITED STATES		

Goods/Services Subject to Cancellation


Class 045. First Use: 2009/12/01 First Use In Commerce: 2009/12/01 All goods and services in the class are cancelled, namely: Consultation in the field of data theft and identity theft; Financial identity monitoring service; Identification verification services, namely, providing authentication of personal identification information; Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; On-line identity reliability investigation in the field of on-line dating and claims made about age, gender

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85269268	Application Date	03/17/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	IDOLOGY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 2003/12/31 First Use In Commerce: 2004/03/31 Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; identification verification services, namely, providing authentication of personal identification information; age identification services, namely, providing authentication of age information
Attachments	85269268#TMSN.jpeg (1 page)(bytes) Idology petition.pdf (8 pages)(90298 bytes) IDOLGY_petition_exhibits.pdf (48 pages)(11177594 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/wsc/
Name	Scott Creasman
Date	12/16/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IDology, Inc.)	
)	In re Registration No. 3,745,504
)	
Petitioner,)	Mark: IDOLOGY
)	
v.)	Registered: February 2, 2010
)	
Andrew P. Palmer,)	Cancellation No. _____
)	
Registrant.)	E-filed via ESTTA
_____)	

PETITION FOR CANCELLATION

Petitioner, IDology, Inc. (“Petitioner” or “IDology”) believes that it is or will be damaged by continued registration of the trademark IDOLOGY shown in U.S. Reg. No. 3,745,504 for “Consultation in the field of data theft and identity theft; Financial identity monitoring service; Identification verification services, namely, providing authentication of personal identification information; Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; On-line identity reliability investigation in the field of on-line dating and claims made about age, gender” in International Class 45 and therefore petitions to cancel it.

As grounds for the requested relief, Petitioner alleges as follows:

1.

Petitioner IDology is a corporation with its principal place of business located at 280 Interstate North Circle SE, Suite 610, Atlanta, GA 30339. IDology is the successor-in-interest to IDology Group, LLC.

2.

Andrew P. Palmer (“Registrant” or “Palmer”) is an individual whose U.S.P.T.O. Correspondent address is Post Office Box 42, 360 Prospect Street Norwell, Massachusetts 02061.

3.

Petitioner has used the “IDology” mark in connection with identity and age verification goods and services throughout the U.S. since at least as early as December 31, 2003, and in commerce at least as early as March 31, 2004. Attached as Exhibit A are print-outs from Petitioner’s website describing its identity and age verification goods and services.

4.

Petitioner filed a use based application for IDOLOGY on March 17, 2011, for “Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such

information via the Internet; identification verification services, namely, providing authentication of personal identification information; age identification services, namely, providing authentication of age information” in IC 045, which was assigned U.S. Serial No. 85/269,268. Attached hereto as Exhibit B are copies of application records from the U.S.P.T.O.’s T.D.R. database for U.S. Serial No. 85/269,268.

5.

Registrant filed an intent-to-use based application on August 3, 2006, for the referenced identity, age and gender verification services that ultimately resulted in U.S. Reg. No. 3,745,504 for IDOLOGY. Attached hereto as Exhibit C are copies of application and registration records from the U.S.P.T.O.’s T.D.R. database for U.S. Reg. No. 3,745,504.

6.

Registrant eventually filed a statement of use on December 3, 2009, claiming a date of first use of December 1, 2009. Attached hereto as Exhibit D are copies of Registrant’s Statement of Use and specimen as filed with the U.S.P.T.O. from the T.D.R. database.

7.

Prior to the filing of Registrant's Statement Use, Petitioner became aware of the application that became U.S. Reg. No. 3,745,504 and put Registrant on notice of Petitioner's prior use of the IDology mark for identity and age verification goods and services. Attached hereto as Exhibit E are true and correct copies of correspondence between counsel for Petitioner and Registrant.

8.

Despite Registrant being put on notice of Petitioner's prior rights in the IDology mark for identity and age verification goods and services, Registrant filed its Statement of Use and specimen and represented that it has commenced use of IDOLOGY in commerce for the U.S. Reg. No. 3,745,504 referenced goods and services.

9.

U.S. Reg. No. 3,745,504 for IDOLOGY has been cited against Petitioner's IDOLOGY application (U.S. Serial No. 85/269,268).

10.

The continued registration of Registrant's IDOLOGY (U.S. Reg. No. 3,745,504) will harm Petitioner in that it will inevitably lead potential purchasers

to believe that Registrant's goods and/or services are approved of, sponsored by, or associated with Petitioner.

CLAIM FOR RELIEF UNDER LANHAM ACT § 2(d)

11.

Petitioner hereby incorporates by reference paragraphs 1 through 10 of the Petition as if fully set forth herein.

12.

Petitioner has priority of use for and is the senior user of the IDOLOGY mark for the referenced identity and age verification goods and services in International Class 45.

13.

Registrant's filing date of its intent-to-use application that resulted in U.S. Reg. No. 3,745,504 for IDOLOGY is more than two (2) years after Petitioner's date of first use in commerce of its IDology mark.

14.

Registrant's IDOLOGY mark is virtually identical to Petitioner's IDology mark, with the only difference being Petitioner's capitalization of the "ID" in IDology, and is identical to the standard character mark set forth in Petitioner's pending application (U.S. Serial No. 85/269,268).

15.

Registrant's IDOLOGY mark is highly similar in appearance, sound, commercial impression, and meaning to Petitioner's IDology mark.

16.

The identity and age verification goods and services entertainment services for the Registrant's IDOLOGY mark are virtually identical to those for Petitioner's IDology mark.

17.

Based on the foregoing, U.S. Reg. No. 3,745,504 is subject to cancellation pursuant to 15 U.S.C. § 1052(d) in that there is a likelihood of confusion between Petitioner's IDology mark and Registrant's IDOLOGY mark.

WHEREFORE, Petitioner respectfully requests that this Petition be sustained and that Registrant's U.S. Reg. No. 3,745,504 for the mark IDOLOGY be cancelled.

The required Petition of Cancellation filing fees are submitted herewith.

This 16th day of December 2011.

IDology, Inc.

By: /s/ W. Scott Creasman

W. Scott Creasman

Georgia Bar No. 194860

TAYLOR ENGLISH DUMA LLP

1600 Parkwood Circle

Suite 400

Atlanta, Georgia 30339

Phone: 770-434-6868

trademarks@taylorenghish.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing
PETITION FOR CANCELLATION by depositing a copy of same in the U.S. Mail
with appropriate postage prepaid and affixed thereon to insure delivery to the
following:

Correspondent for Petitioner

Andrew P. Palmer
Post Office Box 42
360 Prospect Street
Norwell, Massachusetts 02061

Dated: December 16, 2011.

By: /s/ W. Scott Creasman
W. Scott Creasman
TAYLOR ENGLISH DUMA LLP
1600 Parkwood Circle
Suite 400
Atlanta, Georgia 30339
Attorneys for Petitioner

EXHIBIT A



Identity Verification Solutions

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IDology specializes in helping businesses verify someone when you can't see their ID in person. We do this by delivering different levels of cloud-based identity verification and age verification solutions that you can completely control using point and click functionality.

I need to...

Validate an ID
 Verify someone is who they claim to be
 Confirm someone is of a certain age

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 About Our Solutions](#)

Why IDology?

We know your biggest issue isn't about reducing fraud. It's about driving sales. Yet all the controls you use to protect your business from identity theft and payment fraud have really slowed down the process.

IDology provides a faster, safer way to identify legitimate consumer customers so you are able to complete more transactions in less time. Since 2003, IDology has helped companies verify the identity and age of consumers-not-present in millions of transactions throughout the United States and has been **recognized twice as a Top 10 Technology Company in Georgia**.

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Podcast
[A Primer on Out-of-Wallet Questions](#)

October 10, 2011
EPIC Loan Systems and IDology Partner to Improve Lead Generation Process

July 5, 2011
IDology's Identity Verification Suite Validated Ready for IBM Tivoli

March 7, 2011
TxVia to Integrate IDology's Identity Verification Solutions

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Identity Verification

Tighter controls and procedures have helped reduce your fraud issues but they're also slowing down the rate of your approvals and hurting customer satisfaction. Now there's a better way to protect your bottom line without delaying sales or jeopardizing customer satisfaction.



ExpectID®

Our solution, **ExpectID** instantly validates an identity to ensure transactions move forward quicker and without manual intervention. Since we can do this using as little data input as name and address, your customers are comfortable with the amount of information they are required to share. And with industry leading locate rates, **ExpectID** is definitely your best choice when you want more revenue.

How ExpectID Works:

ExpectID uses its patent-pending process to access thousands of data sources containing billions of public records to validate an ID. Our identity verification results go beyond basic data matching by providing predictive, intelligent information and analytics around an identity. This enables you to make quicker and smarter decisions on what to do next -- approve, deny or escalate. **ExpectID's** identity verification process is so fast that it happens without interruption to the transaction and without customer interaction.

"ExpectID's innovative delivery with exclusive features has proven to be the unsurpassed value and service offering in the ID verification space."

Joseph Dunne, Executive Vice President,
Worldwide Chief Operating Officer, TigerDirect

ExpectID Benefits:

- Drives revenue through faster transaction approvals
- Improves customer satisfaction by requiring minimal personal identifying information from consumers
- Increases orders processed per hour by eliminating manual review processes
- Proven proprietary logic engine results in higher location rates than other solutions
- Protects the company from the potential improper use of customer data by employees
- Provides flexible control for businesses to change rules and criteria settings
- Move quickly up to a knowledge-based solution when needed
- Offers strong analytics for detecting and preventing fraud

Sample Applications:

- Account Originations in a non face-to-face environment
- Regulatory Compliance
- Order processing for goods and services
- Account Modifications
- Funds Transfers
- Access Grants

Related Resources



Whitepaper
Balancing Security & Profit: How Identity
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Last Name:

Company Name:

Work Email:

Phone Number:

Submit

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Technology

Complexity Made Easy

It's easy to forget how complex pinpointing and stopping fraud is when you see how effortless we've made the id verification process for you. But don't be fooled, we've spent years enhancing our highly analytical process and back-end logic so that we can deliver you more than confusing risk scores or vague pass/fail results. Instead, you'll get smart, straightforward intelligence so you can quickly take action.

On-Demand Risk Management

An increasing connected world has generated a higher demand for real-time, self-service options. And with criminals attempting new tricks every day, being able to quickly meet the rapidly changing fraud landscape is a necessity.

This is why IDology offers easy-to-use, completely customizable technology that you can control. Our unique on-demand identity verification solution offers point-and-click flexibility for you to change rules and settings within the system whenever you want, 24/7. No more burdening your IT team or having to contact our customer service. With IDology, you manage the id verification process from start to finish.

Reliability. Availability. Scalability. Flexibility.

These four fundamental principles of architecture and design have guided the development of our technology platform. Our process is patent-pending and our network availability is unsurpassable, making us the most advanced identity verification and age verification solutions provider.

Our infrastructure is connected by multiple backbone providers to ensure that you have maximum uptime and superior performance. And all of our solutions are backed by state-of-the-art secure network facilities and high data encryption standards to give you results you can trust.

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 Preventing Fraud and How to Apply
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EXHIBIT B



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IDOLOGY

Word Mark IDOLOGY**Goods and Services**

IC 045. US 100 101. G & S: Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; identification verification services, namely, providing authentication of personal identification information; age identification services, namely, providing authentication of age information. FIRST USE: 20031231. FIRST USE IN COMMERCE: 20040331

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 85269268**Filing Date** March 17, 2011**Current Filing Basis** 1A**Original Filing Basis** 1A**Owner** (APPLICANT) IDology, Inc. CORPORATION GEORGIA Suite 610 280 Interstate North Circle SE Atlanta GEORGIA 30339**Attorney of Record** W. Scott Creasman**Type of Mark** SERVICE MARK**Register** PRINCIPAL

**Live/Dead
Indicator**

LIVE

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Trademark/Service Mark Application, Principal Register

Serial Number: 85269268

Filing Date: 03/17/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85269268
MARK INFORMATION	
* MARK	<u>IDOLOGY</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	IDOLOGY
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
* OWNER OF MARK	IDology, Inc.
INTERNAL ADDRESS	Suite 610
* STREET	280 Interstate North Circle SE
* CITY	Atlanta
* STATE (Required for U.S. applicants)	Georgia
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	30339

LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Georgia
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	045
* IDENTIFICATION	Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; identification verification services, namely, providing authentication of personal identification information; age identification services, namely, providing authentication of age information
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/31/2003
FIRST USE IN COMMERCE DATE	At least as early as 03/31/2004
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	spec-20915667194-103225505 . IDOLOGY tm spec.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT11\IMAGEOUT11\852\692\85269268\xml1\APP0003.JPG
SPECIMEN DESCRIPTION	website print-out
ATTORNEY INFORMATION	
NAME	W. Scott Creasman
ATTORNEY DOCKET NUMBER	60336.0001
FIRM NAME	Taylor English Duma LLP
INTERNAL ADDRESS	Ste 400
STREET	1600 Parkwood Circle
CITY	Atlanta
STATE	Georgia
COUNTRY	United States

ZIP/POSTAL CODE	30339
PHONE	770.434.6868
FAX	770.434.7376
EMAIL ADDRESS	trademarks@taylorenghish.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Scott Duma, Jeff Kuester, Henry M. Quillian III, Amanda Hyland, and Perry McGuire
CORRESPONDENCE INFORMATION	
NAME	W. Scott Creasman
FIRM NAME	Taylor English Duma LLP
INTERNAL ADDRESS	Ste 400
STREET	1600 Parkwood Circle
CITY	Atlanta
STATE	Georgia
COUNTRY	United States
ZIP/POSTAL CODE	30339
PHONE	770.434.6868
FAX	770.434.7376
EMAIL ADDRESS	trademarks@taylorenghish.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/wsc/

SIGNATORY'S NAME	W. Scott Creasman
SIGNATORY'S POSITION	Attorney of record, GA bar member
DATE SIGNED	03/17/2011

Trademark/Service Mark Application, Principal Register

Serial Number: 85269268

Filing Date: 03/17/2011

To the Commissioner for Trademarks:

MARK: IDOLOGY (Standard Characters, see [mark](#))

The literal element of the mark consists of IDOLOGY.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, IDology, Inc., a corporation of Georgia, having an address of
Suite 610,
280 Interstate North Circle SE
Atlanta, Georgia 30339
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 045: Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; identification verification services, namely, providing authentication of personal identification information; age identification services, namely, providing authentication of age information

In International Class 045, the mark was first used at least as early as 12/31/2003, and first used in commerce at least as early as 03/31/2004, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) website print-out.

Original PDF file:

[spec-20915667194-103225505 . IDOLOGY tm spec.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

The applicant's current Attorney Information:

W. Scott Creasman and Scott Duma, Jeff Kuester, Henry M. Quillian III, Amanda Hyland, and Perry McGuire of Taylor English Duma LLP

Ste 400
1600 Parkwood Circle
Atlanta, Georgia 30339
United States

The attorney docket/reference number is 60336.0001.

The applicant's current Correspondence Information:

W. Scott Creasman
Taylor English Duma LLP
Ste 400
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Atlanta, Georgia 30339
770.434.6868(phone)
770.434.7376(fax)
trademarks@taylorenghish.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /wsc/ Date Signed: 03/17/2011
Signatory's Name: W. Scott Creasman
Signatory's Position: Attorney of record, GA bar member

RAM Sale Number: 7331
RAM Accounting Date: 03/17/2011

Serial Number: 85269268
Internet Transmission Date: Thu Mar 17 10:41:37 EDT 2011
TEAS Stamp: USPTO/BAS-209.156.67.194-201103171041372
75263-85269268-480d3ccee1bd6a95df27d329
058f33ff7-CC-7331-20110317103225505193

IDOLOGY



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IDology specializes in helping businesses verify someone when you can't see their ID in person. We do this by delivering different levels of cloud-based identity verification and age verification solutions that you can completely control using point and click functionality.

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We know your biggest issue isn't about reducing fraud. It's about driving sales. Yet all the controls you use to protect your business from identity theft and payment fraud have really slowed down the process.

IDology provides a faster, safer way to identify legitimate consumer customers so you are able to complete more transactions in less time. Since 2003, IDology has helped companies verify the identity and age of consumers-not-present in millions of transactions throughout the United States and has been recognized twice as a Top 10 Technology Company in Georgia.

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Solution Helps

March 7, 2011
 TxVia to integrate IDology's Identity Verification Solutions

February 6, 2011
 IDology Launches New Knowledge-Based Authentication product

August 2, 2010
 Real-Time Medical Video Website Uses Identity Verification to Verify its Members and Combat Fraud

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IDology specializes in helping businesses verify someone when you can't see their ID in person. We do this by delivering different levels of cloud-based identity verification and age verification solutions that you can completely control using point and click functionality.

I need to...

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[Confirm someone is of a certain age](#)

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Why IDology?

We know your biggest issue isn't about reducing fraud. It's about driving sales. Yet all the controls you use to protect your business from identity theft and payment fraud have really slowed down the process.

IDology provides a faster, safer way to identify legitimate consumer customers so you are able to complete more transactions in less time. Since 2003, IDology has helped companies verify the identity and age of consumers-not-present in millions of transactions throughout the United States and has been recognized twice as a Top 10 Technology Company in Georgia.

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EXHIBIT C



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IDOLOGY

**Word Mark
Goods and
Services****IDOLOGY**

IC 045. US 100 101. G & S: Consultation in the field of data theft and identity theft; Financial identity monitoring service; Identification verification services, namely, providing authentication of personal identification information; Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; On-line identity reliability investigation in the field of on-line dating and claims made about age, gender. FIRST USE: 20091201. FIRST USE IN COMMERCE: 20091201

**Standard
Characters
Claimed****Mark Drawing
Code**

(4) STANDARD CHARACTER MARK

Serial Number 78944247**Filing Date** August 3, 2006**Current Filing
Basis** 1A**Original Filing
Basis** 1B**Published for
Opposition** March 13, 2007**Registration
Number** 3745504**Registration** February 2, 2010

Date
Owner (REGISTRANT) Palmer, Andrew P. INDIVIDUAL UNITED STATES Post Office Box 42 360
Prospect Street Norwell MASSACHUSETTS 02061
Attorney of Record Andrew P. Palmer
Prior Registrations 2414597
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 78944247

Filing Date: 08/03/2006

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>IDOLOGY</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	IDOLOGY
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	Andrew P. Palmer
*STREET	360 Prospect Street
INTERNAL ADDRESS	One Damon Way
*CITY	Norwell
*STATE (Required for U.S. applicants)	Massachusetts
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	02061
PHONE	781-681-9811 x255
FAX	781-681-9821

EMAIL ADDRESS	apalmer@andrewppalmer.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	No
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	045
*DESCRIPTION	Consultation in the field of data theft and identity theft; Financial identity monitoring service; Identification verification services, namely, providing authentication of personal identification information; Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet.; On-line identity reliability investigation in the field of on-line dating and claims made about age, gender
* FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
* CLAIMED PRIOR REGISTRATION (if applicable)	The applicant claims ownership of U.S. Registration Number(s) 2414597.
*CONSENT (NAME/LIKENESS) (if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Andrew P. Palmer
ATTORNEY DOCKET NUMBER	T06-0803-1
FIRM NAME	Andrew P. Palmer and Associates
STREET	200 Cordwainer Drive
INTERNAL ADDRESS	Suite 301
CITY	Norwell

STATE	Massachusetts
COUNTRY	United States
ZIP/POSTAL CODE	02061
PHONE	781-681-9811
FAX	781-681-9821
EMAIL ADDRESS	apalmer@andrewppalmer.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

CORRESPONDENCE INFORMATION

*NAME	Andrew P. Palmer
FIRM NAME	Andrew P. Palmer and Associates
*STREET	200 Cordwainer Drive
INTERNAL ADDRESS	Suite 301
* CITY	Norwell
* STATE (Required for U.S. applicants)	Massachusetts
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	02061
PHONE	781-681-9811
FAX	781-681-9821
* EMAIL ADDRESS	apalmer@andrewppalmer.com
* AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

FEE INFORMATION

NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE DUE	275

SIGNATURE INFORMATION

* SIGNATURE	/Andrew P. Palmer/
* SIGNATORY NAME	Andrew P. Palmer
SIGNATORY POSITION	Owner
* SIGNATURE DATE	08/03/2006

FILING INFORMATION SECTION

SUBMIT DATE	Thu Aug 03 15:15:09 EDT 2006
TEAS STAMP	USPTO/FTK-24.34.189.169-2 0060803151509799187-78944 247-332e57b631dc286920ab5 cc916b55ca0aa-CC-133-2006 0803150342898471

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 78944247

Filing Date: 08/03/2006

To the Commissioner for Trademarks:

IDOLOGY

United States of America

United States Patent and Trademark Office

IDOLOGY

Reg. No. 3,745,504 PALMER, ANDREW P. (UNITED STATES INDIVIDUAL)

Registered Feb. 2, 2010
POST OFFICE BOX 42
360 PROSPECT STREET
NORWELL, MA 02061

Int. Cl.: 45

**SERVICE MARK
PRINCIPAL REGISTER**

FOR: CONSULTATION IN THE FIELD OF DATA THEFT AND IDENTITY THEFT; FINANCIAL IDENTITY MONITORING SERVICE; IDENTIFICATION VERIFICATION SERVICES, NAMELY, PROVIDING AUTHENTICATION OF PERSONAL IDENTIFICATION INFORMATION; IDENTIFICATION VERIFICATION SERVICES, NAMELY, PROVIDING AUTHENTICATION OF PERSONAL IDENTIFICATION INFORMATION VIA SECURE STORAGE AND TRANSMITTING SUCH INFORMATION VIA THE INTERNET; ON-LINE IDENTITY RELIABILITY INVESTIGATION IN THE FIELD OF ON-LINE DATING AND CLAIMS MADE ABOUT AGE, GENDER, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 12-1-2009; IN COMMERCE 12-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,414,597.

SN 78-944,247, FILED 8-3-2006.

RONALD AIKENS, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

EXHIBIT D

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78944247
LAW OFFICE ASSIGNED	LAW OFFICE 112
EXTENSION OF USE	NO
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	IDOLOGY
OWNER SECTION (current)	
NAME	Palmer, Andrew P.
STREET	Post Office Box 42
CITY	Norwell
STATE	Massachusetts
ZIP/POSTAL CODE	02061
COUNTRY	United States
PHONE	781-6599811
FAX	781-6597729
EMAIL	apalmer@andrewppalmer.com
OWNER SECTION (proposed)	
NAME	Palmer, Andrew P.

STREET	Post Office Box 42
CITY	Norwell
STATE	Massachusetts
ZIP/POSTAL CODE	02061
COUNTRY	United States
PHONE	781-659-9811
FAX	781-659-7729
EMAIL	apalmeresq@gmail.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	045
CURRENT IDENTIFICATION	Consultation in the field of data theft and identity theft; Financial identity monitoring service; Identification verification services, namely, providing authentication of personal identification information; Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; On-line identity reliability investigation in the field of on-line dating and claims made about age, gender
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	12/01/2009
FIRST USE IN COMMERCE DATE	12/01/2009
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-9811812724-093908528 . HOME_PAGE.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT8\IMAGEOUT8\789\442\78944247\xml1\SOU0002.JPG
SPECIMEN DESCRIPTION	The entirety of the owner's web site showing the IDOLOGY mark being used in commerce.
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1

SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Andrew P. Palmer/
SIGNATORY'S NAME	Andrew P. Palmer
SIGNATORY'S POSITION	Owner
DATE SIGNED	12/03/2009
FILING INFORMATION	
SUBMIT DATE	Thu Dec 03 09:42:38 EST 2009
TEAS STAMP	USPTO/SOU-98.118.127.24-2 0091203094238385663-78944 247-460586916f0591ba9d9ec 1733b5d8b874-CC-9075-2009 1203093908528366

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: IDOLOGY

SERIAL NUMBER: 78944247

The applicant, Palmer, Andrew P., having an address of
Post Office Box 42
Norwell, Massachusetts 02061
United States

is submitting the following allegation of use information:

For International Class 045:

Current identification: Consultation in the field of data theft and identity theft; Financial identity monitoring service; Identification verification services, namely, providing authentication of personal identification information; Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; On-line identity reliability investigation in the field of on-line dating and claims made about age, gender

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 12/01/2009, and first used in commerce at least as early as 12/01/2009, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) The entirety of the owner's web site showing the IDOLOGY mark being used in commerce..

Original PDF file:

[SPN0-9811812724-093908528 . HOME PAGE.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. Section 1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Andrew P. Palmer/ Date Signed: 12/03/2009

Signatory's Name: Andrew P. Palmer

Signatory's Position: Owner

RAM Sale Number: 9075

RAM Accounting Date: 12/03/2009

Serial Number: 78944247

Internet Transmission Date: Thu Dec 03 09:42:38 EST 2009

TEAS Stamp: USPTO/SOU-98.118.127.24-2009120309423838

5663-78944247-460586916f0591ba9d9ec1733b

5d8b874-CC-9075-20091203093908528366

HOME PAGE



<<== Is this woman the person she claims to be?

The IDology™ brand is recognized by people in the know as identifying the experts in consulting in the field of:

- data theft and identity theft
- financial identity monitoring services
- identification verification services, namely, providing authentication of personal identification information
- Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet
- on-line identity reliability investigation in the field of on-line dating and claims made about age and gender.

<<== Find out who she is for certain!!!

Call 617-775-0553 for more information.

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FEE RECORD SHEET**Serial Number:** 78944247**RAM Sale Number:** 9075**Total Fees:** \$100**RAM Accounting Date:** 20091203

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20091203	\$100	1	\$100

Transaction Date: 20091203

EXHIBIT E

taylor | busch

TAYLOR, BUSCH, SLIPAKOFF & DUMA, LLP

Direct Dial: 678.336.7179
screasman@taylor-busch.com

August 15, 2008

Via E-mail [apalmer@andrewppalmer.com] and U.S. Mail

Andrew P. Palmer, Esq.
Andrew P. Palmer and Associates
200 Cordwainer Drive, Suite 301
Norwell, Massachusetts 02061

Re: IDOLOGY – U.S. Serial No. 78/944,247

Dear Andrew,

As you know, the undersigned and this firm are counsel to IDology, Inc. ("IDology"). Thank you for your July 15, 2008 letter. I am glad that you have had the opportunity to discuss this matter with trademark attorneys. Nevertheless, while your letter accurately sets forth certain basic trademark law concepts, it misinterprets or fails to recognize several fundamental aspects of trademark law applicable to the relevant facts at issue.

Initially, you mistakenly seem to believe that U.S. Reg. No. 2,414,597 provides you unfettered rights in the IDOLOGY mark regardless of the goods and services at issue. While there is a doctrine of natural expansion in U.S. trademark law, it is inapplicable in the present circumstances. Your trademark registration for "business consulting, namely creating trademarks for others" involves services entirely unrelated to the various identity, age and gender verification services that are identified in your pending intent-to-use application (U.S. Serial No. 78/944,247). See Electronic Data Systems Corp. v. EDSA Micro Corp., 23 USPQ2d 1460, 1464 (TTAB 1992) (computer programming services involving data processing would not normally or reasonably expand to include computer-aided design and manufacturing). Therefore, your attempt to expand into unrelated services is subject to the doctrine of intervening rights so that my client's use of the IDOLOGY mark prior to the filing of your intent-to-use application establishes my client's superior rights. See Mason Eng'g & Design Corp. v. Mateson Chem. Corp., 225 USPQ 956, 962 (TTAB 1985).

These concepts are also demonstrated by the some of the very language quoted in your letter. For example, your quote from the Brookfield Communications case speaks to the "exclusive right to use the mark on the goods and services, specified in the registration." Brookfield Communications, Inc. v. West Coast Entertainment Corp., 174 F.3d 1036, 1047 (9th Cir. 1999) (emphasis added). That is, your rights emanating from the 2,414,597 registration are limited to those services actually specified. It also explains why there

can be Delta airlines, and Delta dental plans, and Delta faucets, and so on, all from different companies/sources.

Turning back to the mark in question and contrary to the assertion that you operate as a "single source" for all goods and services under the IDOLOGY mark, you were able to register IDOLOGY for "business consulting, namely creating trademarks for others" despite the existence of the 1997 registration for "I.D.OLOGY" for "electronic identification apparatus, data entry terminals, encoded data carriers, data readers, computer software for tracking and managing livestock and instruction manuals sold as a unit." See U.S. Reg. No. 2,029,613. The slight variation from I.D.OLOGY from IDOLOGY (two periods) is insignificant from a trademark perspective. See, e.g. Attrezzi, LLC v. Maytag Corp., 436 F.3d 32 (1st Cir. 2006); Fossil Inc. v. Fossil Group, 49 U.S.P.Q.2d 1451 (TTAB 1998). The trademark office certainly determined that your services were sufficiently different from the goods offered under the prior 2,029,613 registration so that no likelihood of confusion was likely, and thus allowed your original mark to register, which would not have been the case if the expansion doctrine existed as you posit.

The rest of your letter focuses on burden of proof issues, which do not to change the legal and factual landscape of this matter. As discussed above, your prior registration relates to services entirely unrelated to those at issue here, and we do not challenge the validity of that registration at present. My client can easily prove that it has been offering the referenced verification services since 2003 and acquired common law rights before any constructive rights arose through your intent-to-use application. The Trademark Act specifically states that such prior use, even without registration, provides superior rights in a mark covering similar goods and/or services.¹ Accordingly, my client has "priority" rights under U.S. trademark law in the IDOLOGY mark for the verification services at issue here.

Based on the foregoing, IDology rejects your demand to cease and desist from use of its IDOLOGY mark, and reiterates its demand that you abandon the U.S. Serial No. 78/944,247 application and abandon all plans to use the IDOLOGY mark in a manner

¹ "No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it— (d) Consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive: ... [.]” 15 U.S.C. § 1052(d)(emphasis added).

“Contingent on the registration of a mark on the principal register provided by this chapter, the filing of the application to register such mark shall constitute constructive use of the mark, conferring a right of priority, nationwide in effect, on or in connection with the goods or services specified in the registration against any other person except for a person whose mark has not been abandoned and who, prior to such filing— (1) has used the mark; ... [.]” 15 U.S.C. § 1057(a)(1)(emphasis added).

Andrew Palmer, Esq.
August 15, 2008
Page 3

that is likely to cause confusion with IDology's use on identity and age verification goods and services. IDology plans to continue to monitor your activities and will take all actions necessary and appropriate to protect its rights.

IDology reserves all rights in connection with this matter.

Best regards.

Very truly yours,

A handwritten signature in black ink, appearing to be 'W. Scott Creasman', written in a cursive style.

W. Scott Creasman
For Taylor, Busch, Slipakoff & Duma, LLP

cc: Mr. John Dancu
Bruce Richards, Esq.

Andrew P. Palmer
Lawyer
200 Cordwainer Drive, Suite 301
Norwell, MA 02061
781-681-9811
apalmer@andrewppalmer.com

July 15, 2008

W. Scott Creasman, Esquire
Taylor, Busch, Slipakoff & Duma, LLP
1600 Parkwood Circle, Suite 200
Atlanta, Georgia 30339

***Via e-mail screasman@taylor-busch.com
and US Mail***

Re: Andrew Palmer v. Idology, Inc.

Dear Scott:

I have sought the advice of several other trademark attorneys and I have the following response to your May 29, 2008, letter. I demand that your client, Idology, Inc., cease use of the Idology name forthwith.

Suffice it to say, that since December 19, 2000 (and priority to February 1, 1999), I have owned and had exclusive rights to the word mark IDOLOGY. *See* United States Registration No. 2414597, now with Trademark Act §§8 and 15 acceptance and acknowledgement. Additionally the use and registration of the mark by me came with expansion rights.

With respect to the related later services, please note there are no third-party registrations of marks used in connection with the same or similar goods and/or services as mine, or your client in this case. This evidence has probative value to the extent that it serves to suggest that the services I offer, and/or the services your client adopted years after I secured exclusive rights, are of a kind that may emanate from a single source. *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii). Moreover, any doubt regarding a likelihood of confusion is resolved in favor of the prior registrant. *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988); TMEP §§1207.01(d)(i). On the date your client adopted the IDOLOGY mark, it was infringing on my earlier registered service mark.

Factor in that I have one registration well secured, and that I am now seeking another expansion one, and your client loses because . . .

"Registration of a mark" on the Principal Register in the Patent and Trademark Office constitutes prima facie evidence of the validity of the registered mark and of [my] exclusive right to use the mark on the goods and services, specified in the registration." *Brookfield Commc'ns, Inc. v. W. Coast Entm't Corp.*, 174 F.3d 1036, 1047 (9th Cir. 1999); see also 4 J. Thomas McCarthy on Trademarks and Unfair Competition §16.19 (4th ed. 1992) ("A trademark registration on the federal Principal Register is at least prima facie evidence of the registrant's ownership of the mark.") (hereinafter "McCarthy")."

"Without registration, a plaintiff would have to establish his right to exclusive use in a common law infringement action," *Vuitton Et Fils S.A. v. J. Young Enterprises, Inc.*, 644 F.2d 769, 775 (9th Cir. 1981), such as by proving that the mark is not generic, see *Filipino Yellow Pages, Inc. v. Asian Journal Publications, Inc.*, 198 F.3d 1143, 1151 (9th Cir. 1999), and that no one else had first used it in commerce, see *Brookfield Communications*, 174 F.3d at 1047." See *Applied Information Sciences Corp. v. eBay, Inc.*, 511 F.3d 966; 2007 U.S. App. LEXIS 29871; 85 U.S.P.Q.2D (BNA) 1527 (9th Cir. 2007). This would be your client.

Registration, however, "discharges the plaintiff's original common law burden of proving validity in an infringement action." *Yellow Cab Co. of Sacramento v. Yellow Cab of Elk Grove, Inc.*, 419 F.3d 925, 928 (9th Cir. 2005) [**7] (quoting *Tie Tech, Inc. v. Kinedyne Corp.*, 296 F.3d 778, 783 (9th Cir. 2002)). Thus, by demonstrating that it held a federal registration, AIS made a prima facie showing that it held a valid, protectable interest in the use of the SmartSearch mark in connection with the goods listed in its registration. See *Applied Information Sciences Corp. v. eBay, Inc.*, 511 F.3d 966; 2007 U.S. App. LEXIS 29871; 85 U.S.P.Q.2D (BNA) 1527 (9th Cir. 2007). This would be me again.

Therefore, the law of the land shows that your client would be very likely to lose a court battle over this name, a cancellation of my attempt to secure my expansion rights, or any other proceeding. If Idology, Inc. will not cease all use of the IDOLOGY name, I will sue to force such cessation under the registered mark and by then, the second registered expansion one.

GOD BLESS AMERICA

Andrew P. Palmer

Andrew P. Palmer, Esquire

APP:jf

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,414,597

Registered Dec. 19, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

IDOLOGY

PALMER, ANDREW P. (UNITED STATES CITIZEN)
360 PROSPECT STREET
NORWELL, MA 020611116

FIRST USE 11-18-1997; IN COMMERCE 8-2-1999.

SN 75-631,812, FILED 2-1-1999.

FOR: BUSINESS CONSULTING, NAMELY, CREATING TRADEMARKS FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

ANGELA M. MICHELI, EXAMINING ATTORNEY

taylor | busch

TAYLOR, BUSCH, SLIPAKOFF & DUMA, LLP

Direct Dial: 678.336.7179
screasman@taylor-busch.com

May 29, 2008

Via E-mail [apalmer@andrewppalmer.com] and U.S. Mail

Andrew P. Palmer, Esq.
Andrew P. Palmer and Associates
200 Cordwainer Drive, Suite 301
Norwell, Massachusetts 02061

Re: IDOLOGY – U.S. Serial No. 78/944,247

Dear Andrew,

As you know, the undersigned and this firm are counsel to IDology, Inc. ("IDology"). I have discussed your proposal for IDology to coexist with you in connection with the use of the IDOLOGY mark.

As previously disclosed, my client has used the IDOLOGY mark in connection with identity and age verification goods and services throughout the U.S. since at least as early as 2003. As you know, your intent-to-use based application filed on August 3, 2006, includes various identity, age and gender verification services. In the event that you ever made actual use of the IDOLOGY mark for the services referenced in your 78/944,247 application, we believe that there is a likelihood that consumer confusion would result, and thus there is no practical way for the parties to co-exist as to such usage. Accordingly and after careful consideration, IDology must reject your offer to co-exist. In addition, we reiterate the demand that you abandon the U.S. Serial No. 78/944,247 application and confirm that you have abandoned all plans to use and will not use the IDOLOGY mark in a manner that is likely to cause confusion with IDology's goods and services.

We note that on May 14th you filed the second request for an extension of time to file the Statement of Use for the 78/944,247 application. Accordingly, we assume that you have not made use of the IDOLOGY mark in connection with the proposed identity, age and gender verification services. If that is incorrect, please advise me as soon as possible.

Please respond within ten (10) days of the date of this letter.

IDology reserves all rights in connection with this matter.

Andrew Palmer, Esq.
May 29, 2008
Page 2

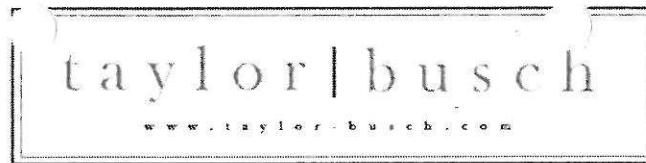
Best regards.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Scott Creasman", with a long horizontal flourish extending to the right.

W. Scott Creasman
For Taylor, Busch, Slipakoff & Duma, LLP

cc: Mr. John Dancu
Bruce Richards, Esq.



TAYLOR, BUSCH, SLIPAKOFF & DUMA, LLP

FAX COVER SHEET

To:	Andrew P. Palmer, Esq.	From:	W. Scott Creasman, Esq.
Fax:	781-681-9821	Fax:	770.434.7376
Phone:		Phone:	770-434-6868
Subject:		Date:	January 25, 2008

Total Pages (including this page): 3

Comments:

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TAYLOR, BUSCH, SLIPAKOFF & DUMA, LLP

Direct Dial: 678.336.7179
screasman@taylor-busch.com

January 25, 2008

Via Facsimile [781.681.9821] and U.S. Mail

Andrew P. Palmer, Esq.
Andrew P. Palmer and Associates
200 Cordwainer Drive, Suite 301
Norwell, Massachusetts 02061

Re: IDOLOGY – U.S. Serial No. 78/944,247

Dear Mr. Palmer,

The undersigned and this firm are intellectual property counsel to IDology, Inc. (“IDology”). IDology has used the IDOLOGY mark in connection with identity and age verification goods and services throughout the U.S. since at least as early as 2003. We recently became aware of your referenced IDOLOGY trademark application for the following services in IC 045:

Consultation in the field of data theft and identity theft; Financial identity monitoring service; Identification verification services, namely, providing authentication of personal identification information; Identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; On-line identity reliability investigation in the field of on-line dating and claims made about age, gender[.]

While we understand that you own U.S. Registration No. 2,414,597 for IDOLOGY as used in connection with “business consulting services, namely creating trademarks for others[,]” your intent-to-use application for the unrelated identity, age and gender verification services indicates that you have not made any use of the mark in commerce for such services and your application post-dates IDology’s actual use of the mark in commerce for substantially the same services. Accordingly, IDology has superior rights in the IDOLOGY mark in connection with identity and age verification services and related goods. Given the similarity of the marks, and the goods and services involved, any actual use by you as contemplated by your intent-to-use application would be likely to cause consumer confusion as to the source, origin, sponsorship, and/or affiliation of such services and violate my client’s rights in the IDOLOGY mark.

Andrew Palmer, Esq.

January 25, 2008

Page 2

IDology hereby demands that you abandon your pending application for IDOLOGY (Serial No. 78/944,247) and confirm that you have abandoned all plans to use and will not use the IDOLOGY mark in a manner that is likely to cause confusion with IDology's goods and services.

Please respond within ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. Scott Creasman', with a long horizontal flourish extending to the right.

W. Scott Creasman

For Taylor, Busch, Slipakoff & Duma, LLP

cc: Mr. John Dancu
Bruce Richards, Esq.

* * * Me y TX Result Report (Jan. 25. 200 5:39PM) * * *

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Date/Time: Jan. 25. 2008 5:38PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
1390	Memory TX	917816819821	P. 3	OK	

Reason for error

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 E. 3) No answer
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E. 2) Busy
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